

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DARIAN PERSON**

**v.**

**TAMMY FERGUSON**

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**CIVIL ACTION NO. 20-206**

**ORDER**

This 27<sup>th</sup> day of September, 2021, following further review of the petition for Writ of Habeas Corpus, review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, review of Petitioner's objections, and review of Petitioner's supplemental filings after he received Respondent's brief,<sup>1</sup> it is once again **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The petition for Writ of Habeas Corpus is **DISMISSED** with prejudice.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of the Court shall mark this case closed for statistical purposes.

/s/ Gerald Austin McHugh

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UNITED STATES DISTRICT JUDGE

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<sup>1</sup> I previously adopted the Report and Recommendation in an order dated March 24, 2021, ECF 20. When the Commonwealth advised the Court that Petitioner had not received its brief in opposition to the petition in a timely fashion, I vacated my order of approval to allow Petitioner to respond. Having now considered his further objections, I remain persuaded that relief should be denied.